

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission
On Its Own Motion

Amendment of 83 Ill. Adm. Code 200

00-0353

ILLINOIS
COMMERCE COMMISSION
JUL 26 3 38 PM '00
CHIEF CLERK'S OFFICE

STAFF COMMENTS ON THE FIRST
NOTICE OF PROPOSED AMENDMENTS

The Staff of the Illinois Commerce Commission ("Staff") has the following comments concerning the proposed amendments to 83 Ill. Adm. Code 200 published at 24 Ill. Reg. 7806 (June 2, 2000).

Section 200.40: The definition of "ICTL" should be retained for ease of reference. The proposed amendments have the statutory citation for the Illinois Commercial Transportation Law in the definition of "Hearing examiner". Retaining the definition will allow easier reference. Staff suggests that the following amendment be made:

"ICTL" means the Illinois Commercial Transportation Law [625 ILCS 5/Ch. 18C] (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-1101 et seq.).

Section 200.100(a): The word any should be added to modify "facsimile number..." to eliminate any suggestion that such information is mandatory for those persons who do not have it. Staff suggests that the subsection read as follows:

The full name, address, any facsimile number, e-mail address, and telephone number of the person or the representative of the person filing the pleadings.

Section 200.110(a): The currently proposed amendment is unclear as to whether the 8 1/2 by 11 inch requirement is applicable to the typewritten or printed document. Staff proposes the following language to eliminate this ambiguity:

All pleadings and documents filed with the Commission shall be typewritten or printed on paper 8 1/2 inches by 11 inches or capable of being printed on paper 8 1/2 inches by 11 inches typewritten or printed on paper cut or folded so that the size shall not exceed a width of 8 1/2 inches and a length of 11 inches and shall have inside margins of one inch not less than 1 inch wide. All exhibits of a documentary character shall, whenever practical, conform to these said requirements of size and margin. The If typewritten, the impression shall be on one side of the paper only and shall be double spaced; footnotes and quotations may be single spaced and indented.

Section 200.110(b): This should be modified to allow for footnotes and other matters not included in the body of the text of a pleading to be in a smaller font size than 12-point. The rationale behind this is that there are occasions when there is a need for data to be presented, such as financial data, that, if put in 12-point font, will not be capable of being presented in usable form on 8 1/2 by 11 inch paper. Staff suggests the following:

All pleadings or other documents shall be composed in either Arial or Times New Roman font. The text of the pleadings or documents shall be at least 12-point or larger. Footnotes and other material not in the body of the text, such as financial data exhibits shall be at least 10-point or larger. Persons filing a formal complaint pursuant to Section 200.170 using the complaint form provided by the Commission may complete the form in handwriting.

Section 200.110(d): Staff is proposing the adoption of a new subsection to cover the numbering of lines in documents used in proceedings. As Staff has gained some experience in the use of electronic documents, it has become evident that there may be differences in page numbering in a document, depending on the type of printer

used to create a hard copy of the document. The addition of line numbers would allow easier reference at hearings for parties and the Hearing Examiner. Staff suggests that testimony be numbered consecutively page after page but that each page of a schedule be numbered starting with line one. Staff recommends that the following language be added as Section 200.110(d):

Testimony and schedules prepared for the purposed of being entered into evidence shall include line numbers on the left-hand side of each page of text and on the left-hand side of each schedule. Text documents shall include continuous line numbers. Schedules shall include line numbers that begin anew for each page of the schedule.

Section 200.120(a): Since there will be no initiating pleadings filed now for dockets that began before January 1, 2000, the subsection should be rewritten as follows, eliminating subsections (1) and (2):

- a) For dockets initiated before January 1, 2000, pleadings shall be filed with the Chief Clerk in one original and two copies, unless otherwise specified in this Part.

Section 200.150(g): This subsection should be modified to reflect the language in Section 10-108 of the Public Utilities Act that authorizes the Commission to serve by U.S. Mail or by electronic means.

- g) The Commission shall serve the notice provided by subsection (f) by personal delivery, by electronic means, or mailing the notice in the United States mail in a sealed envelope with postage prepaid ~~registered or certified mail~~. Notice of any additional hearings or other notices mailed by the Commission shall be by regular United States mail or as otherwise provided by the Hearing Examiner.

Section 200.300: This Section should be deleted from the proposed amendments, since no amendment is proposed for this Section.

Section 200.1060: This Section should be revised to reflect more accurately the relationship between the hearings process and e-Docket regarding the use of prefilled materials. Staff proposes the following changes, with the first version indicating added language by double underlining and deleted language denoted by strike-through. Following that is a version of Section 200.1060 as it would appear in the *Illinois Register* as a new Section.

Section 200.1060 Electronic Documents and the Hearing Process

If any prefilled testimony or exhibit in the e-Docket system ~~electronic document~~ is offered and admitted into evidence without alteration received at a hearing in a docketed proceeding, the official copy is the ~~electronic document as filed and found in the e-Docket system.~~ If a prefilled ~~electronic document~~ is submitted without alteration at hearing, the requirement of Section 200. 670 to offer multiple copies at hearing and to have the copies stamped are is eliminated. If any prefilled testimony or exhibit in the e-Docket system ~~electronic document~~ is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the official copy and shall be entered in the e-Docket system as the official copy. The the sponsoring party must serve the complete altered ~~electronic document~~ on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

The Section as it would be published:

Section 200.1060 Electronic Documents and the Hearing Process

If any prefilled testimony or exhibit in the e-Docket system is offered and admitted into evidence without alteration at a hearing in a docketed proceeding, the official copy is the document found in the e-Docket system. If a prefilled document is submitted without alteration at hearing, the requirement of Section 200. 670 to offer multiple copies at hearing is eliminated. If any prefilled testimony or exhibit in the e-Docket system is altered at hearing in any way and admitted into evidence, the altered testimony or exhibit is the official copy and shall be entered in the e-Docket system as the official copy. The sponsoring party must serve the complete altered document on the Commission and the other parties of record within seven days after that hearing or, if applicable, within seven days

after the end of a continuous, day-to-day set of hearings, unless otherwise directed by the Hearing Examiner.

WHEREFORE, the Staff of the Illinois Commerce Commission respectfully requests that the Commission include the suggested modifications in the proposed amendments to Part 200 for the submission of the second notice of proposed rulemaking to the Joint Committee on Administrative Rules.

Respectfully submitted,

A handwritten signature in cursive script, reading "Conrad S. Rubinkowski", written over a horizontal line.

Conrad S. Rubinkowski
Staff Attorney

Counsel for the Staff of the Illinois
Commerce Commission

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NOTICE OF FILING

TO: Attached Service List

PLEASE TAKE NOTICE that on this 26th day of July, 2000, I have filed with the Chief Clerk of the Illinois Commerce Commission, the Staff Comments on the First Notice of Proposed Amendments, copies of which are hereby served upon you.



CONRAD S. RUBINKOWSKI
Staff Attorney

Counsel for the Staff of the Illinois Commerce
Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Notice of Filing, together with the Staff Comments on the First Notice of Proposed Amendments, was served upon the parties on the attached service list by first class mail, proper postage prepaid, on the 26th day of July, 2000.



CONRAD S. RUBINKOWSKI

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Amendment of 83 Ill. Adm. Code 200***

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